

REMARKS

This is in response to the election of species requirement dated December 31, 2008. This requirement was made with respect to claims 33-60. However, Applicant filed a preliminary amendment on September 17, 2008 that added claims 61-66. The claims added by the September 17, 2008 amendment were not addressed by the election of species requirement of December 31, 2008. Accordingly, a request for a new office action was filed January 6, 2009, requesting a complete office action to address all of claims 33-66 in this application.

Applicant expects the new office action will repeat the election of species requirement. Therefore, in an effort to expedite the prosecution of this application and avoid unnecessary delay, this paper is filed in anticipation of the repeated election of species requirement.

By the present amendment, claims 33 and 50, the only independent claims, are amended. In addition, claims 38, 53 and 54 are canceled. Finally, new claims 67-70 are added to round out the scope of protection to which Applicant is entitled.

The election of species requirement of December 31, 2008 required an election of species among those species identified by the Examiner as follows:

Species I, which the Examiner characterized as being directed to a photo-detector having a middle barrier layer having p-type doping distributed throughout its volume;

Species II, which the Examiner characterized as being directed to a photo-detector having a middle barrier layer having n-type doping in as very narrow delta doping layer located at the junction with the photon absorbing layer; and

Species III, which the Examiner characterized as being directed to a photo-detector having a middle barrier layer having n-type doping distributed throughout its volume.

Claims 33 and 50 are independent claims and read on all of the species identified by the Examiner. Hence, claims 33 and 50 are generic.

Applicant elects, without traverse, Species III on which claims 33-37, 39-52 and 55-66 read.

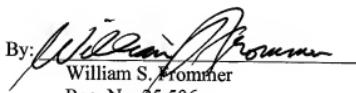
Since claims 33 and 50 are generic, if any of these generic claims eventually is allowed, it is recognized that the instant requirement for an election of species will be withdrawn; and all claims which include the limitations of the generic claims, irrespective of the particular species on which those claims read, likewise will be allowed.

Applicant reserves his right to file one or more divisional applications, if necessary, to proceed with the examination of the non-elected claims.

An early examination on the merits is respectfully solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorney for Applicants

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800